

SECOND REGULAR SESSION

SENATE BILL NO. 1251

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHIELDS.

Read 1st time March 1, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

5384S.011

AN ACT

To repeal section 191.331, RSMo, and to enact in lieu thereof one new section relating to the metabolic formula distribution program.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 191.331, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 191.331, to read as follows:

191.331. 1. Every infant who is born in this state shall be tested for
2 phenylketonuria and such other metabolic or genetic diseases as are prescribed
3 by the department. The test used by the department shall be dictated by
4 accepted medical practice and such tests shall be of the types approved by the
5 department. All newborn screening tests required by the department shall be
6 performed by the department of health and senior services laboratories. The
7 attending physician, certified nurse midwife, public health facility, ambulatory
8 surgical center or hospital shall assure that appropriate specimens are collected
9 and submitted to the department of health and senior services laboratories.

10 2. All physicians, certified nurse midwives, public health nurses and
11 administrators of ambulatory surgical centers or hospitals shall report to the
12 department all diagnosed cases of phenylketonuria and other metabolic or genetic
13 diseases as designated by the department. The department shall prescribe and
14 furnish all necessary reporting forms.

15 3. The department shall develop and institute educational programs
16 concerning phenylketonuria and other metabolic and genetic diseases and assist
17 parents, physicians, hospitals and public health nurses in the management and
18 basic treatment of these diseases.

19 4. The provisions of this section shall not apply if the parents of such

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 child object to the tests or examinations provided in this section on the grounds
21 that such tests or examinations conflict with their religious tenets and practices.

22 5. As provided in subsection 4 of this section, the parents of any child who
23 fail to have such test or examination administered after notice of the requirement
24 for such test or examination shall be required to document in writing such
25 refusal. All physicians, certified nurse midwives, public health nurses and
26 administrators of ambulatory surgical centers or hospitals shall provide to the
27 parents or guardians a written packet of educational information developed and
28 supplied by the department of health and senior services describing the type of
29 specimen, how it is obtained, the nature of diseases being screened, and the
30 consequences of treatment and nontreatment. The attending physician, certified
31 nurse midwife, public health facility, ambulatory surgical center or hospital shall
32 obtain the written refusal and make such refusal part of the medical record of the
33 infant.

34 6. Notwithstanding the provisions of section 192.015, RSMo, to the
35 contrary, the department may, by rule, annually determine and impose a
36 reasonable fee for each newborn screening test made in any of its
37 laboratories. The department may collect the fee from any entity or individual
38 described in subsection 1 of this section in a form and manner established by the
39 department. Such fee shall be considered as a cost payable to such entity by a
40 health care third party payer, including, but not limited to, a health insurer
41 operating pursuant to chapter 376, RSMo, a domestic health services corporation
42 or health maintenance organization operating pursuant to chapter 354, RSMo,
43 and a governmental or entitlement program operating pursuant to state
44 law. Such fee shall not be considered as part of the internal laboratory costs of
45 the persons and entities described in subsection 1 of this section by such health
46 care third party payers. No individual shall be denied screening because of
47 inability to pay. Such fees shall be deposited in a separate account in the public
48 health services fund created in section 192.900, RSMo, and funds in such account
49 shall be used for the support of the newborn screening program and activities
50 related to the screening, diagnosis, and treatment, including special dietary
51 products, of persons with metabolic and genetic diseases; and follow-up activities
52 that ensure that diagnostic evaluation, treatment and management is available
53 and accessible once an at-risk family is identified through initial screening; and
54 for no other purpose. These programs may include education in these areas and
55 the development of new programs related to these diseases.

56 7. Subject to appropriations provided for formula for the treatment of
57 inherited diseases of amino acids and organic acids, the department shall provide
58 such formula to persons with inherited diseases of amino acids and organic acids
59 subject to the conditions described in this subsection. State assistance pursuant
60 to this subsection shall be available to an applicant **until the age of eighteen**
61 **and** only after the applicant has shown that the applicant has exhausted all
62 benefits from third party payers, including, but not limited to, health insurers,
63 domestic health services corporations, health maintenance organizations,
64 Medicare, Medicaid and other government assistance programs. [The department
65 shall establish an income-based means test to be used to determine eligibility for
66 the formula made available pursuant to this section.] **Such assistance under**
67 **this subsection shall be provided to applicants whose income is below**
68 **five hundred percent of the federal poverty level. For applicants whose**
69 **income falls between five hundred percent and seven hundred fifty**
70 **percent of the federal poverty level, the department shall establish a**
71 **sliding scale of fees and monthly premiums to be paid in order to**
72 **receive assistance under this subsection.**

Bill ✓

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